

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

SPINE & JOINT SURGICAL INSTITUTE  
OF MICHIGAN SOUTHFIELD LLC,

Plaintiff,

Case No. 21-cv-11316  
Hon. Matthew F. Leitman

v.

SURGICAL CENTER  
OF SOUTHFIELD, LLC, *et al.*,

Defendants.

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**ORDER (1) TERMINATING DEFENDANTS' MOTION TO DISMISS  
WITHOUT PREJUDICE AS MOOT (ECF No. 16) AND (2) ADJOURNING  
SCHEDULED HEARING ON MOTION TO DISMISS**

On June 3, 2021, Plaintiff Spine & Joint Surgical Institute of Michigan Southfield LLC ("S&J") filed this action against several Defendants. (*See* Compl., ECF No. 1.) S&J alleges, among other things, that Defendants breached the parties' contract and committed fraud. (*See id.*) Defendants then filed a motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6). (*See* Mot. to Dismiss, ECF No. 16.)

On February 8, 2022, without expressing any view on the merits of the motion to dismiss, the Court entered an order granting S&J leave to file a First Amended Complaint in order to remedy the alleged deficiencies in its claims identified by the Defendants in the motion to dismiss. (*See* Order, ECF No. 29.) The Court informed

the parties that if S&J decided to file a First Amended Complaint, it would terminate Defendants' motion to dismiss without prejudice. (*See id.*)

On February 15, 2022, S&J filed a notice with the Court that it intends to file a First Amended Complaint. (*See* Notice, ECF No. 30.) Accordingly, because S&J will be filing a First Amended Complaint, the Court (1) **TERMINATES** Defendants' motion to dismiss (ECF No. 16) **WITHOUT PREJUDICE AS MOOT** and (2) **ADJOURNS** the previously-scheduled March 15, 2022, hearing on that motion. (*See* Notice of Hearing, ECF No. 28.) Defendants may re-file a motion to dismiss directed at the First Amended Complaint if they believe that such a motion is appropriate after reviewing that pleading.

**IT IS SO ORDERED.**

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: February 16, 2022

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on February 16, 2022, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

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